

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v	)	CRIMINAL ACTION NO.
	)	3:07cr106-WKW
DAVID RAY	)	

ORDER

Upon the defendant's Notice of Intent to Change Plea (Doc. 96, filed January 22, 2008), it is

ORDERED that this case is set for proceedings pursuant to Rule 11 of the Federal Rules of Criminal Procedure on January 28, 2008 at 9:00 a.m., Courtroom 5A, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery Alabama.

The Clerk is directed to provide a court reporter for this proceeding. If the defendant is in custody, the United States Marshal shall arrange for the defendant's appearance at this proceeding.

Counsel for the defendant is DIRECTED to confer with the defendant prior to the proceeding set in this order and (1) advise the defendant about the Sentencing Guidelines and that while the Sentencing Guidelines are no longer mandatory the Guidelines remain an important factor which the court will consider in determining a reasonable sentence; (2) advise the defendant that in addition to the Guidelines, in determining a reasonable and appropriate sentence, the court will consider the sentencing factors set forth in 18 U.S.C. 3553(a), and (3) explain to the defendant each of those factors specifically including (a) the nature and circumstances of the offense and the history and characteristics of the defendant; (b) the need to reflect the seriousness of the offense, to promote

respect for the law, and to provide just punishment for the offense; (c) the need for deterrence; (d) the need to protect the public; (e) the need to provide the defendant with needed educational or vocational training or medical care; (f) the kinds of sentences available; (g) the need to avoid unwanted sentencing disparities; and (h) the need to provide restitution to victims.

DONE this 23<sup>rd</sup> day of January, 2008 .

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE